TDS/#4 6.7.02 272/015 Patent

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re the Application of:   | ) Previous Group Art Unit No. 1642    |
|---|---------------------------------------|
| GORDON MILLS et al.   | ) Previous Examiner: Karen A. Canella |
| Serial No.: Not Yet Assigned  | )                                     |
| Filed: Herewith   | )                                     |
| For: METHOD FOR DETECTING CANCER ASSOCIATED WITH ELEVATED LEVELS OF LYSOPHOSPHOLIPIDS | )<br>)<br>)<br>)<br>)                 |

#### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

OC-104722.1

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

| EV 051628979 US        | Lynne Fulmer                       |
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| •                      | Lewis Alistania                    |
| February 26, 2002      | Jephil Julner                      |
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### INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

|                          | is IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1)   |
|--------------------------|---|
|                          | e months of the filing date of the application, which is a continuation of co-pending   |
|                          | Serial No. 08/822,128 filed on March 21, 1997, no copies of the cited references are included   |
| -                        | re submitted in the prior application Serial No. 08/822,128 filed on March 21, 1997 or (2)  |
|                          | e months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the   |
| Ū                        | a first Office action on the merits; or (4) before the mailing of a first Office action after filing  |
| a request f              | or continued examination under § 1.114. Thus, no fee is required.   |
|                          | However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.   |
|                          | However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.  |
|                          | is IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action its, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR  |
|                          | The fee due under 37 CFR § 1.17(p) is submitted herewith.   |
|                          | A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below. |
| § 1.113 or               | is IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted  |
|                          | STATEMENT UNDER 37 CFR § 1.97(e):   |
| Ea-                      | ch item contained in this IDS was first cited in any communication from a foreign patent office   |
| in a counte              | rpart foreign application not more than three months prior to the filing of this IDS.   |
| ☐ No                     | item contained in this IDS was cited in a communication from a foreign patent office in a   |
| counterpar               | t foreign application, and, to the knowledge of the person signing this statement after making  |
| reasonable               | inquiry, no item of information contained in this IDS was known to any individual designated  |
| in 37 CFR<br>OC-104722.1 | § 1.56(c) more than three months prior to the filing of this IDS.   |

# PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

| A check in the amount of is enclosed              | I for the above fee(s).   |
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| Please charge to Deposit Account No. 12-          | -2475 for the above fee(s).   |
| The Commissioner is authorized to charge any fees | required by the filing of these papers, and to credit                           |
| any overpayment to Lyon & Lyon's Deposit Accou    | int No. 12-2475.  |
| Dated: February 26, 2002                          | Respectfully submitted, LYON & LYON LLP  By:  Kart T. Mulville  Reg. No. 37,194 |



LYON & LYON LLP 633 W. Fifth Street, Suite 4700 Los Angeles, CA 90071 949/567-2300 X 1124 Tel. 213/955-0440 Fax

#### **FORM PTO-1449**



# LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

**ATTY. DOCKET 272/015** 

SERIAL NO.

Not Yet Assigned

**APPLICANT:** 

GORDON B. MILLS et al.

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**PREVIOUS GROUP:** 

1642

|                     |                 | U.S.    | PATENT DOCUMENTS   |       |              |                      |
|---------------------|-----------------|---------|--------------------|-------|--------------|----------------------|
| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE    | NAME               | CLASS | SUB<br>CLASS | FILING<br>DATE       |
|                     | 4,693,971       | 9/15/87 | Misaki             |       |              | 2                    |
|                     | 4,698,299       | 10/6/87 | Janoff et al.      |       |              | 8.00<br>9.79<br>9.79 |
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| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE    | COUNTRY             | CLASS | SUB<br>CLASS | TRANSLATION<br>YES NO |
|                     | 210 691         | 3/31/07 | German              | ·     |              |                       |
|                     | 882 048         | 9/4/80  | Belgium             |       |              |                       |
|                     | 63-13644        | 1/20/88 | Japan               |       |              |                       |
|                     | WO 89/01773     | 3/9/89  | PCT                 |       |              |                       |
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|                     | 8-53475         | 2/27/96 | Japan               |       |              |                       |
|                     | WO 97/45727     |         | PCT                 |       |              |                       |
|                     | WO 01/38870 AQ  |         | PCT                 |       |              |                       |

| <b>OC-104434.1</b><br>Y. EYLER | DATE CONSIDERED: |
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